

REMARKS

This Amendment is fully responsive to the final Office Action dated April 25, 2008, issued in connection with the above-identified application. Claims 1-12 were previously pending in the present application. With this Amendment, claims 1, 8, 11 and 12 have been amended, and claims 6 and 7 have been canceled without prejudice or disclaimer to the subject matter therein. Accordingly, claims 1-5 and 8-12 are all the claims that remain pending in the present application. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

In the Office Action, claim 7 has been objected to for being dependent on a rejected base claim, but would be deemed allowable if rewritten in independent form to include all the limitations of its base claim and any intervening claims. Accordingly, the Applicants have amended independent claim 1 to include the limitations of claim 7 and intervening claim 6. Additionally, similar features of claims 6 and 7 have also been incorporated into independent claims 11 and 12. Accordingly, withdrawal of the rejection to claim 7 is respectfully requested.

In the Office Action, claims 1-6, 8, 9, 11 and 12 had been rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima et al. (U.S. Patent No. 6,504,823, hereafter "Nakajima") in view of Fee (U.S. Patent No. 6,285,475, hereafter "Fee"); and claim 10 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima in view of Fee, and further in view Becker (U.S. Patent No. 7,209,488).

As noted above, the allowable subject matter of claim 7 (and intervening claim 6) has been incorporated into independent claims 1, 11 and 12. For example, independent claim 1 (as amended) recites the following features:

"[a] data transmission apparatus for transmitting a data signal in accordance with a predetermined protocol in one direction within a ring network of a plurality of data transmission apparatuses, the data signal being obtained by modulating an electrical signal of a predetermined frequency, the data transmission apparatus comprising:

signal determination means for determining a presence or absence of a data signal represented by an electrical signal received from an immediately upstream data transmission apparatus in the ring network based on a comparison between a level of the electrical signal

related to the received data signal and a threshold level;

data evaluation means for evaluating a data value of the data signal from the immediately upstream data transmission apparatus;

processing means for performing a process for a result of evaluation by the data evaluation means in accordance with the predetermined protocol;

evaluation stopping means for causing the data evaluation means to stop outputting a result of evaluation to the processing means if the signal determination means determines that there is no incoming data signal; and

reset means, for suspending transmission and reception of the data signal for a predetermined period if the signal determination means determines that there is no incoming data signal.

wherein, when resetting a setting made in the data transmission apparatus during a boot of the ring network, the reset means suspends transmission and reception of the data signal for a period which is equal to or greater than a result of the multiplication between a number obtained by subtracting one from the number of data transmission apparatuses in the ring network and an amount of time required before a transmission stopping means is able to stop transmission of the data signal after the inputting of the data signal to the signal determination means stops.

(Emphasis added).

As noted in item 5 on page 12 of the Office Action, claim 7 has been deemed allowable by the Examiner if rewritten in independent form to include all the limitations of its base claim and any intervening claims. As noted above, independent claim 1 has been amended to include the limitations of claim 7 and intervening claim 6. Additionally, similar features have also been added to independent claims 11 and 12.

Therefore, independent claims 1, 11 and 12 (as amended) should be distinguishable over the cited prior art without any further comment being necessary.

Accordingly, independent claims 1, 11 and 12 are not anticipated or rendered obvious by the cited prior art. Likewise, dependent claims 2-5 and 8-10 are also not anticipated or rendered obvious by the cited prior art at least by virtue of their dependency from independent claim 1.

In light of the above, the Applicants respectfully submit that all the pending claims are

patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the Office Action dated April 25, 2008, and pass the present application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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